IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL REVISION PETITION NO. 789/05

(Shyam Lal & Anr. Vs. State of Rajasthan & Anr.)

Date of Order : 03.08.2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. V.N.Kalla for the petitioner.
Mr. V.R.Mehta, P.P.
Mr. Ajanta Saraswat for the respondent NO.2.

BY THE COURT:-

By the instant criminal revision petition under Section 397/401 Cr.P.C., the petitioners have challenged the judgment and order dated 21.7.2005 passed by Additional Sessions Judge No.3, Jodhpur (for short 'the appellate court' hereinafter) in Criminal Appeal No.19/2003 whereby the appeal filed by the petitioners against the judgment and order dated 28.3.2001 passed by Judicial Magistrate, Osian (for short 'the trial court' hereinafter), was dismissed.

I have heard learned counsel for the parties.

An affidavit has been placed on record by the respondent No.2 executed by petitioner Shyam Lal and Smt. Badami @ Bidki stating therein that after the decision of the

Court they lost the case and in pursuance of the order of the trial court, they have handed over the possession of the disputed land to respondent No.2 Somendra Nath S/o Smt. Saraswati Harsh on 20.12.2005 and do not claim any possession of the plot. Even otherwise, both the courts below have concurrently found a case against the petitioners. In this view, there is no error, illegality or perversity in the order impugned warranting interference in the revisional jurisdiction.

The revision petition has no force and it is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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